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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

DEBRA GONZALES,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 17cv1369-LAB

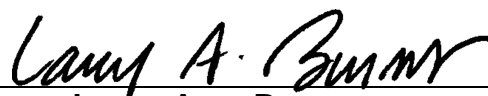
**ORDER DENYING MOTION UNDER  
28 U.S.C. § 2255**

14 Last summer, Debra Gonzales pled guilty to driving a car loaded with 45 pounds of  
15 methamphetamine into the United States. The maximum sentence was 20 years in prison—  
16 the Court sentenced Gonzales to 68 months. Gonzales now asks the Court to modify her  
17 sentence based on her attorney's failure to argue for safety valve and minor role reductions.

18 First, Gonzales is wrong on the merits. Her attorney argued for safety valve and the  
19 Court applied it.<sup>1</sup> The Court also considered minor role, but decided not to grant it.<sup>2</sup>  
20 Importing 45 pounds of methamphetamine didn't make Gonzales substantially less culpable  
21 than the average participant in the offense she committed. *See United States v. Ng*, 202  
22 F.3d 280 (9th Cir. 1999) (rejecting minor role for *attempted* importation of  
23 methamphetamine). Second, since the sentence was less than 71 months, Gonzalez  
24 agreed to waive any right "to collaterally attack the sentence."<sup>3</sup> *See United States v. Abarca*,  
25 985 F.2d 1012 (9th Cir. 1993). The motion is **DENIED**.

26 **IT IS SO ORDERED.**

27 Dated: August 10, 2017

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**HONORABLE LARRY ALAN BURNS**  
United States District Judge

<sup>1</sup> Dkt. 32 at 2.

<sup>2</sup> Dkt. 26 at 5–6.

<sup>3</sup> Dkt. 23 at 11.